

**COMMUNITY DIALOG
ON
TRANSPORTATION AND LAND USE**

Meeting Summary of February 5th, 2003

Supervisor Sharon Bulova welcomed the attendees of the second meeting of the Community Dialog on Transportation and Land Use (Community Dialog) and invited members of the group to introduce themselves.

She said that one of the participants, Mike Malak, had sent her an e-mail asking if recommendations from the Community Dialog could be taken to a regional level. Sharon said she thought it would be a very good idea to provide regional organizations such as Northern Virginia Regional Commission, the Council of Governments, the Northern Virginia Transportation Authority and Northern Virginia Transportation Commission with the Group's final recommendations. Mike had also suggested a "virtual" reading library of news stories, etc via links sent to members of the Community Dialog. Sharon said that she'd be glad to include such links to her Meeting Summaries that follow each Dialog meeting. Members of the group were invited to send suggestions for links that the group might find interesting.

To follow up on a question from the previous meeting, Sharon reported on the status of the Olley Lane water main project.

Sharon explained that beginning with the next meeting (February 19th), participants in the Dialog would break into discussion groups after the first (Panel Discussion) hour of the meeting. She said that the discussion groups would consist of somewhere between five to eight individuals. Each discussion group would be discussing the same question or issue which would be assigned. Discussion in each group would be facilitated by a Discussion Group Leader. Break Out Group Discussion will be allotted about 20 minutes. Once the Community Dialog audience is brought back into full session, Discussion Group Leaders will report out to the full Dialog Group about thoughts and suggestions expressed in their group.

Sharon introduced participants in the Community Dialog who will serve as Discussion Leaders throughout the series: Chris Craig, Judy Rexrode, Phyllis McDevitt, Jan Hedetniemi, Jeff Nolan, Russell Klosk and Bob Griendling.

The topic of this second Community Dialog Meeting was "The Parameters Within Which We Operate". Sharon introduced the evening's panelists, Senior Assistant Fairfax County Attorney Jan Brodie and Director for the Fairfax County Department of Tax Administration Kevin Greenlief.

- Jan Brodie explained the parameters within which Fairfax County operates as a local government. She explained the Dillon Rule, which was born out of distrust of local government. Virginia, North Carolina and Kentucky were the only states to have the Dillon Rule, which prevents local governments from exercising “Home Rule.” Local government can only exercise powers given to them by the express authority of the State. In other words, local governments can’t do anything unless the state tells them that they can do it.

Jan Brodie talked about several court cases involving the Dillon Rule and provided some handouts. One case dealt with a situation in the Braddock District, where the State gave Fairfax County authority to adopt an ordinance to limit how high someone can let their grass grow before it becomes a community nuisance. Country Club View homeowner Fred Goldbecker challenged this law and the County successfully defended it.

Mrs. Brodie explained the County’s Urban County Executive Form of Government and spoke a bit about county structure vs. towns and cities.

During the discussion, Florence Naeve cited a Peat Marwick study on Fairfax County becoming a city. The study found that no great benefit would accrue to the County because it would have to take over road construction and maintenance. Later in the meeting, the group discussed unequal taxing authority among cities, towns and counties. Several studies have taken place in the General Assembly to consider giving counties equal authorities to tax. For instance, Fairfax County is not allowed to have more than a 2 cent tax on cigarettes. The City of Fairfax has a cigarette tax of 30 cents. Larger cigarette and hotel/motel taxes are used in cities and towns to diversify the tax base and lessen the burden on the real estate tax.

- Kevin Greenlief explained the County’s tax structure, listing the County’s taxes and the percentages of the general fund that those taxes represent. He pointed out that the county has only a 22% commercial tax base, while The City of Fairfax has a 50% commercial tax base. Mr. Greenlief said that the county has a growing reliance on the real estate tax. It now makes up 57% of the County’s total revenue stream. The next largest revenue is from the car tax, which makes up 19% of the County’s revenue. Because the state is phasing out the car tax, they are reimbursing the localities what they would have collected. Localities in Virginia are concerned that the State will continue reimbursing the localities, especially since this practice has put “big hole” in the state budget.

Commenting on the city/county questions, Mr. Greenlief said the County’s legislative agenda before the General Assembly has not been to incorporate into a city, but to convince the General Assembly to give the county more enabling legislation and more authority to levy different taxes, which could take the pressure off the real estate tax and/or provide more funding for education and transportation.. He said the rest of the state has a difficult time relating to the issues and pressures facing Fairfax

County. That is why the County often has a difficult time with the General Assembly.

With the conclusion of the panelists presentations, the group engaged in questions and discussion.

Bob Griendling said he would like to have a good national tax burden comparison.

Russell Klosk pointed out that no matter how taxes are moved around, government “is still bleeding the same stone,” meaning the same people are still paying those taxes.

Kurt Johnson – wondered why the GA keeps killing legislation that would help local governments, e.g., the adequate public facilities ordinance. He pointed out that without revenue diversification, the pressure is on local governments to “develop, develop, develop.”

Cie Gardel – wondered, “what do taxes pay for?”

Russell Klosk – said the current tax system puts the burden on single-family homeowners.

Nell Hurley – “Fairfax County is a cash cow for the state.”

Ivan Dietrich – wondered why Kevin Greenlief’s pie chart of revenues did not indicate any revenue from the Lottery or the tobacco lawsuit settlement. Mr. Greenlief explained that these revenues went directly to the state. When the state returned some of this money to the County, it can be found on the pie chart under “revenue from the State” and this makes up 3.3% of our budget.

Dan Desko – asked if there was a problem with delinquent taxes. Mr. Greenlief explained that the county collects 99.5% of real estate taxes, 98% of personal property taxes and 97% of the BPOL (Business and Professional License) tax.

Jeffrey Nolan – said that school superintendent Daniel Dominech made the statement that if Northern Virginia were a state, government could fund schools at the requested level of funding. He wondered if this statement was true. Sharon Bulova and Kevin Greenlief agreed that this would most likely be the case.

Russell Klosk - wondered if Fairfax County could raise the business license tax. Mr. Greenlief explained that the county *could* raise the business license tax (we are under the State’s ceiling for how high this tax can be raised), but that if we did, we would be way out of line with surrounding jurisdictions. Additionally, there has been pressure at the General Assembly level to abolish the BPOL tax entirely. We would hate to raise it, out of proportion to other jurisdictions, thus calling attention to it, and have it be abolished altogether.

A brief discussion ensued about how much of County's revenues came from the commercial sector. Sharon Bulova said that at one time the County had set a goal for our commercial tax base to be at 30%. We had reached 25% in the past, but now were at 22%. In the City of Fairfax, the city is able to maintain a real estate tax rate of about a dollar. About 50% of their tax base is from commercial, which does not require nearly the services that residential does. The County courts business via the Economic Development Authority in order to increase our commercial base, thus relieving the residential tax burden.

Tom Reinkober - said that he has lived around the country and that state and county taxes here are low, comparatively speaking. Mr. Greenlief pointed out that Virginia is 47th in the nation in overall tax burden.

Ellen Gale – she came to the county in 1956 and the same conversation goes on every year. Fairfax County is a cash cow for Virginia. No matter what our state legislators do, Fairfax County always gets the short end of the stick. Has the county ever considered suing the state?

Sharon said the county was considering suing over the issue of educational “adequacy”. No jurisdiction in the state is getting what the General Assembly has pledged it would provide in terms of basic - minimal (“Standards of Quality”) educational funding. She said that Fairfax County was working with a number of other jurisdictions and groups (i.e. First Cities) on this issue.

Nell Hurley – Fairfax County has the largest average class size in the state. This is the number one issue for parents.

Chris Craig – asked what taxes were not maxed out. Mr. Greenlief explained that the BPOL tax is the only one not maxed out.

Dennis Chamot– said that if a sales tax increase was tied to other measures, e.g., lowering the real estate tax rate, a referendum might be successful.

Mike Malak – asked how the car tax restructuring has impacted tax diversification. Mr. Greenlief said that it has not impacted tax diversification. It has lightened the tax burden on car owners and has created a huge shortfall in state revenues.

Paul Kite – said there is a communications problem. He urged a program to educate Fairfax County residents about what's going on with their tax dollars.

Bob Griendling – said that Fairfax County has the authority to establish and increase an income tax and asked why the county has not done that. Mr. Greenlief described how the income tax legislation was so flawed that the Board of Supervisors chose not to put it to referendum.

Sharon Bulova reminded the group that the next meeting of the Community Dialog series was scheduled for **February 19th**. The topic for that evening is **“Planning of Land Use and Transportation”**. *The agenda for that meeting can be found below.* Sharon adjourned the meeting at 9 p.m.

Supervisor Sharon Bulova

Attendance

Chair: Sharon Bulova
Speakers: Jan Brodie
Kevin Greenlief
Staff: Florence Naeve
Joanne Swick
Sally Tomlin
Colin Campbell
Ronni McCrohan

Community Dialog Participants:

Ms. Nancy Baltrusch
Ms. Marilyn Blois
Mr. Richard Bowes
Mr. Justin Brigida
Mr. James J. Buratti
Dennis Chamot
Ms. Gwen Cody
Bernice & Patrick Colvard
Mr. Christopher Craig
Mrs. Dorothy Dane
Mr. and Mrs. Dan Desko
Mr. Ivan Dietrich
Mr. Mervin Dizenfeld
Mr. Brian H. Doyle
Ms. Ellen Gale
Cie Gardel
Mr. Robert Griendling
Ms. Suzanne Harsel
Ms. Jan Hedetniemi
Mr. Reid Herlihy
Ms. Nell Hurley
Mr. Kurt Johnson
Mr. Robert F. Kelly
Mr. Paul Kite
Mr. Russell M. Klosk

Mr. Michael S. Malak
Ms. Lisa Martin
Ms. Phyllis A. McDevitt
Mr. Tom Meany
Mr. John Miranda
Mr. Jeffery Nolan
Mr. Fidel Ortega
The Reverend Ron Qualley
Mr. Thomas Reinkober
Bob And Judy Rexrode
Ms. Reine Rosenbaum
Ms. Winnie Shapiro
Peter Skoro
Mr. and Mrs. Harry Stevenson
Mr. Jeff Stoll
Mr. Ben Tribbett
Mr. Timothy Lee Unrine
Ms. Margi Vanderhye
Ms. Terry Wanbaugh
Mr. Mark Werfel
Ms. Barbara Williams

**COMMUNITY DIALOG
ON TRANSPORTATION AND LAND USE
Agenda for February 19th, 2003**

Planning of Land Use and Transportation

- Welcome and Introductions

- Panel Discussion, With Panelists:

James P. Zook

Director, Fairfax County Department of Planning and Zoning

**The Land-Use Side of the Equation:
The Comprehensive Plan, Zoning, Special Exceptions & Permits,
What are they? How Does the Process Work?**

Young Ho Chang

Director, Fairfax County Department of Transportation

Local Planning Process for Roads, Buses, Mass Transit

Robert A. Stalzer

Deputy County Executive for Planning and Development

**The Capital Improvement Plan (CIP):
How the County Plans for Infrastructure Needed to Support Growth**

David Bobzien

Fairfax County Attorney

**Past and Present Attempts to Better Manage Growth:
The “Occoquan Downzoning”, The “C’s & I’s”,
Adequate Public Facilities Ordinance, Transferable Development Rights**

- Brief Q & A**
- Break-Out Group Discussion**
- Discussion Leaders Report Out to Full Dialog Audience**
- Full Dialog Audience Discussion**
- Adjournment**